

1 Stephen M. Doniger (SBN 179314)
stephen@donigerlawfirm.com
2 Benjamin F. Tookey (SBN 330508)
btookey@donigerlawfirm.com
3 DONIGER / BURROUGHS
4 603 Rose Avenue
5 Venice, California 90291
6 Telephone: (310) 590-1820
Attorneys for Plaintiff

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8 **UNITED STATES DISTRICT COURT**
CENTRAL DISTRICT OF CALIFORNIA

9 HUNTER KERHART, an individual;
10
11 Plaintiff,

12 v.

13 MEMORIALCARE MEDICAL GROUP, a
14 California Corporation; and DOES 1-10,
15 Defendants.
16

Case No.

PLAINTIFF'S COMPLAINT FOR
COPYRIGHT INFRINGEMENT

Jury Trial Demanded

17
18 Plaintiff Hunter Kerhart hereby prays to this honorable Court for relief based on
19 the following:

20 **JURISDICTION AND VENUE**

21 1. This action arises under the Copyright Act of 1976, 17 U.S.C. § 101, *et*
22 *seq.*

23 2. This Court has federal question jurisdiction under 28 U.S.C. §§ 1331 and
24 1338(a)-(b).

25 3. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(c) and
26 1400(a) because this is the judicial district in which a substantial part of the acts and
27 omissions giving rise to the claims occurred.
28

PARTIES

4. Plaintiff Hunter Kerhart is an architectural photographer based in Los Angeles, CA.

5. Upon information and belief, Defendant MemorialCare Medical Group is a California corporation with a principal place of business located at 17360 Brookhurst St., Fountain Valley, CA 92708. MEMORIALCARE owns, operates, and/or controls the commercial websites memorialcare.org, boeingmcha.org, and its related/affiliated subdomains, mobile websites, social media pages, and applications (altogether, “Defendants’ Website”).

6. Upon information and belief, Defendants Does 1-10 are other parties not yet identified who have infringed Plaintiff’s copyrights. The true names, whether corporate, individual, or otherwise, of Defendants Does 1-10 are presently unknown to Plaintiff, which therefore sues said Defendants by such fictitious names, and will seek leave to amend this Complaint to show their true names and capacities when the same have been ascertained.

7. Upon information and belief, at all relevant times, each of the Defendants was the agent, affiliate, officer, director, manager, principal, alter-ego, and/or employee of the remaining Defendants and was at all times acting within the scope of such agency, affiliation, alter-ego relationship, and/or employment; and actively participated in, subsequently ratified, and/or adopted each of the acts or conduct alleged, with full knowledge of each violation of Plaintiff’s rights and the damages to Plaintiff proximately caused thereby.

**DEFENDANT’S UNAUTHORIZED EXPLOITATION OF
THE SUBJECT PHOTOGRAPH**

8. KERHART owns an original photograph registered with the U.S. Copyright Office titled “2841_Lomita_02_Low-Res” (the “Subject Photograph”).

9. Following the publication and display of the Subject Photograph, Defendants, and each of them, used the Subject Photograph for commercial purposes on Defendants' Website without KERHART's authorization.

Subject Photographs	Unauthorized Copy
 <p data-bbox="293 884 706 919">2841_Lomita_02_Low-Res</p>	

FIRST CLAIM FOR RELIEF

10. Plaintiff incorporates by reference as though fully set forth the allegations contained in the preceding paragraphs of this Complaint.

11. Upon information and belief, Defendants, and each of them, had access to the Subject Photograph, including through Plaintiff's website, social media

1 accounts, profiles, and/or authorized licensees; third-party websites or Internet search
2 engines; and/or because the copies displayed on Defendants' Website are essentially
3 verbatim copies of, and thus strikingly similar to, the Subject Photograph.

4 12. Due to Defendants' acts of copyright infringement, Plaintiff has
5 suffered damages in an amount to be established at trial.

6 13. Due to Defendants' acts of copyright infringement, Defendants, and
7 each of them, have obtained profits they would not have realized but for their
8 infringement. As such, Plaintiff is entitled to disgorgement of Defendants' profits
9 attributable to the infringement in an amount to be established at trial.

10 14. Upon information and belief, Defendants, and each of them, have
11 committed copyright infringement with actual or constructive knowledge of, or with
12 reckless disregard or willful blindness for, Plaintiff's rights in the Subject Photograph,
13 such that said acts of copyright infringement were willful.

14 **PRAYER FOR RELIEF**

15 WHEREFORE, Plaintiff prays for judgment as follows:

- 16 a. That Defendants, each of them, their respective agents, and/or anyone
17 else working on behalf of or in concert with Defendants or their
18 respective agents, be enjoined from further exploiting the Subject
19 Photograph for commercial purposes in any manner without Plaintiff's
20 authorization absent some independent legal right;
- 21 b. That Plaintiff be awarded all Defendants' profits, and all Plaintiff's
22 losses, attributable to Defendants' infringement, the exact sum to be
23 proven at the time of trial; or alternatively, if elected, statutory damages
24 as available under 17 U.S.C. § 504;
- 25 c. That Plaintiff be awarded his fees as available under 17 U.S.C. § 505;
- 26 d. That Plaintiff be awarded pre-judgment interest as allowed by law;
- 27 e. That Plaintiff be awarded the costs of this action; and
- 28

1 f. That Plaintiff be awarded such further legal and equitable relief as the
2 Court deems proper.

3 Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P.
4 38 and the 7th Amendment to the United States Constitution.

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6
7 Dated: June 6, 2025

Respectfully submitted,
DONIGER/BURROUGHS

8 By: /s/ Stephen M. Doniger
9 Stephen M. Doniger, Esq.
10 Benjamin F. Tookey, Esq.
11 *Attorneys for Plaintiff*
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